



PATENT

THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of  
HONG ZHANG et al.

Serial No.: 10/056,438

Filed: January 23, 2002

) FOR: COMPUTER-AIDED IMAGE  
) ANALYSIS  
)  
)  
) Group  
) Art Unit: 2121

**PETITION TO AMEND INVENTORSHIP  
(AMENDMENT UNDER 37 CFR 1.312)**

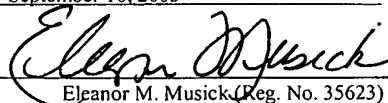
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This petition is being submitted post-allowance and with payment of the issue fee to correct an error in inventorship that resulted from the omission of Stephen D. Barnhill as an inventor and the erroneous inclusion of Shelija Guberman as an inventor. Being filed herewith are the Statement of Stephen D. Barnhill, the Statement of Shelija Guberman, Written Consent of the Assignee and the processing fee set forth in 37 CFR 1.17(i). Also enclosed are copies of a new Declaration identifying the correct inventive entity, executed by two of the remaining inventors. (See "Remarks" re. the third inventor.) With the addition of Dr. Barnhill and deletion of Dr. Guberman, the inventive entity is as follows:

Hong Zhang  
Garry Carls  
Stephen D. Barnhill

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:  
Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on September 16, 2005

  
Eleanor M. Musick (Reg. No. 35623)

-2-

### REMARKS

Applicants hereby request that the inventorship in the above-referenced application be corrected to include Stephen D. Barnhill as an inventor and to delete Shelija Guberman as an inventor.

The omission of Dr. Barnhill occurred without deceptive intent and was the result of reliance on the stated inventorship set forth in a provisional application to which this application claims priority, which, in turn was based on authorship of a manuscript describing the invention. It was determined upon review of the application after receipt of the Notice of Allowance that although the original declaration and the text of the application indicated that the application was a continuation-in-part of Dr. Barnhill's earlier applications, he had been inadvertently omitted as an inventor, without any deceptive intent on Dr. Barnhill's part. Upon consideration of the claims and the subject matter of Dr. Barnhill's earlier applications, it became apparent that significant subject matter from the earlier applications had been incorporated in both the specification and the claims.

Following submission of a request to the three originally-named inventors that they execute the new declaration to add Dr. Barnhill, Dr. Guberman advised that after reconsideration of the claims, he did not believe that had he made any inventive contribution to any of the claimed subject matter in the application and requested that his name be removed from the list of inventors. The erroneous prior inclusion of Dr. Guberman occurred without deceptive intent on his part, as asserted in his declaration. Accordingly, Dr. Barnhill should be included as an inventor on the present application, and Dr. Guberman should be removed as an inventor, and Applicants request that these corrections be reflected in the patent upon issue.

The undersigned has been advised by Dr. Carls' attorney that Dr. Carls' signed Declaration has been forwarded but will not arrive in time to meet the payment deadline for the issue fee. It will be sent to the PTO immediately upon receipt.

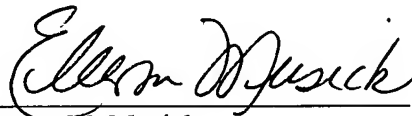
The Commissioner is authorized to charge the processing fee for this petition to Deposit Account No. 50-2075 in the name of Procopio, Cory, Hargreaves & Savitch LLP.

-3-

Should additional information or documentation be required to effect the requested changes to the inventive entity in an expedited manner, the Examiner is requested to telephone the undersigned attorney for Applicants.

Respectfully submitted,

Dated: September 16, 2005

By:   
Eleanor M. Musick  
Attorney for Applicants  
Registration No. 35,623

PROCOPIO CORY HARGREAVES & SAVITCH LLP  
530 B Street  
Suite 2100  
San Diego, California 92101-4469  
Telephone: (760) 931-9703 (direct)  
Facsimile: (760) 931-1155  
emm@procopio.com

Docket No. 0302 [112092-0067]

**CORRECTED COMBINED DECLARATION AND POWER OF ATTORNEY**  
**Utility Application**

As below named inventor(s), I (We) hereby declare that:

My (Our) residence, post office address and citizenship are as stated below next to my (our) name(s).

I (We) believe I (we) am (are) the original, first and sole inventor(s) of the subject matter which is claimed and for which a patent is sought on the invention entitled

**COMPUTER-AIDED IMAGE ANALYSIS**

the specification of which

(Check One)

☐  
☒

is attached hereto OR

was filed on January 23, 2002 as U.S. Application No. 10/056,438

I (We) hereby state that I (we) have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment(s) referred to above.

I (We) acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56.

I (We) hereby claim foreign priority benefits under Title 35, United States Code, § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Date of Filing	Priority Claimed	
			Yes	No

I (We) hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below.

Application Number(s)	Filing Date
60/263,381	01/23/2001

I (We) hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s), or § 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

U.S. Parent Application Number	PCT Parent Number	Parent Filing Date	Status-Patented, Pending or Abandoned
09/633,410		08/07/2000	Patented
09/578,011		05/24/2000	Patented
09/568,301		05/01/2000	Patented

Inventors: Hong Zhang et al.  
COMPUTER-AIDED IMAGE ANALYSIS  
Docket No. 0302 (112092-0067)

09/303,387		05/01/1999	Patented
60/083,961		05/01/1998	Abandoned

POWER OF ATTORNEY: As a named inventor(s), I (we) hereby appoint as my (our) attorneys and/or agents, with full power of substitution and revocation, to prosecute this application and transact all business in the United States Patent and Trademark Office, and in countries other than the United States, and to do all things necessary or appropriate therefor before any competent International Authorities in connection with any international patent application(s) corresponding to the above-identified invention application, **Eleanor M. Musick, Reg. No. 35,623; Kamwah W. Li, Reg. No. 34,211; Stephen C. Beuerle, Reg. No. 38,380; Patric J. Rawlins, Reg. 47,887, Kathleen A. Pasulka, Reg. No. 35,652; and Richard Campbell, Reg. No. 34,790.**

**27189**  
PATENT TRADEMARK OFFICE

PROCOPIO, CORY,  
HARGREAVES & SAVITCH  
530 B Street, Suite 2100  
San Diego, CA 92101-4469  
(619) 238-1900

Please send all correspondence to the attention of Eleanor M. Musick, and direct all telephone calls to (760) 931-9700.

I (We) further declare that all statements made herein of my (our) own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18, United States Code, § 1001 and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

201	FULL NAME OF INVENTOR	FIRST Name Hong	MIDDLE	LAST Name Zhang	
	RESIDENCE & CITIZENSHIP	City Savannah	State or Foreign Country GA	Country of Citizenship U.S.A.	
	POST OFFICE ADDRESS	Street 22 Black Hawk Trail	City Savannah	State or Country GA	Zip Code 31411
INVENTOR'S SIGNATURE <u>Hong Zhang</u> DATE <u>9/1</u> , 2005					

202	FULL NAME OF INVENTOR	FIRST Name Garry	MIDDLE	LAST Name Carls	
	RESIDENCE & CITIZENSHIP	City Tybee Island	State or Foreign Country GA	Country of Citizenship USA	
	POST OFFICE ADDRESS	Street P.O. Box 2448	City Tybee Island	State or Country GA	Zip Code 31328
INVENTOR'S SIGNATURE _____ DATE _____, 2005					

Inventors: Hong Zhang et al.  
COMPUTER-AIDED IMAGE ANALYSIS  
Docket No. 0302 (112092-0087)

203	FULL NAME OF INVENTOR	FIRST Name Stephen	MIDDLE D.	LAST Name Barnhill	
	RESIDENCE & CITIZENSHIP	City Savannah	State or Foreign Country GA		Country of Citizenship U.S.A.
	POST OFFICE ADDRESS	Street 2 Springfield Place	City Savannah	State or Country GA	Zip Code 31411
INVENTOR'S SIGNATURE _____ DATE _____, 2005					



# **CORRECTED COMBINED DECLARATION AND POWER OF ATTORNEY** Utility Application

As below named inventor(s), I (We) hereby declare that:

My (Our) residence, post office address and citizenship are as stated below next to my (our) name(s).

I (We) believe I (we) am (are) the original, first and sole inventor(s) of the subject matter which is claimed and for which a patent is sought on the invention entitled

## **COMPUTER-AIDED IMAGE ANALYSIS**

the specification of which

(Check One)

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is attached hereto OR

was filed on January 23, 2002 as U.S. Application No. 10/056,438

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I (We) hereby claim foreign priority benefits under Title 35, United States Code, § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Date of Filing	Priority Claimed	
			Yes	No

I (We) hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below.

Application Number(s)	Filing Date
60/263,381	01/23/2001

I (We) hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s), or § 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

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09/578,011		05/24/2000	Patented

Inventors: Hong Zhang et al.  
COMPUTER-AIDED IMAGE ANALYSIS  
Docket No. 0302 (112002-0067)

09/568,301		05/01/2000	Patented
09/303,387		05/01/1999	Patented
60/083,961		05/01/1998	Abandoned

POWER OF ATTORNEY: As a named inventor(s), I (we) hereby appoint as my (our) attorneys and/or agents, with full power of substitution and revocation, to prosecute this application and transact all business in the United States Patent and Trademark Office, and in countries other than the United States, and to do all things necessary or appropriate therefor before any competent International Authorities in connection with any international patent application(s) corresponding to the above-identified invention application, Eleanor M. Musick, Reg. No. 35,623; Kamwah W. Li, Reg. No. 34,211; Stephen C. Beuerle, Reg. No. 38,380; Patric J. Rawlins, Reg. 47,887, Kathleen A. Pasulka, Reg. No. 35,652; and Richard Campbell, Reg. No. 34,790.

**27189**  
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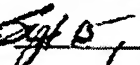
Please send all correspondence to the attention of Eleanor M. Musick, and direct all telephone calls to (760) 931-9700.

I (We) further declare that all statements made herein of my (our) own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18, United States Code, § 1001 and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

201	FULL NAME OF INVENTOR	FIRST Name Hong	MIDDLE	LAST Name Zhang	
	RESIDENCE & CITIZENSHIP	City Savannah	State or Foreign Country GA	Country of Citizenship U.S.A.	
	POST OFFICE ADDRESS	Street 22 Black Hawk Trail	City Savannah	State or Country GA	Zip Code 31411
INVENTOR'S SIGNATURE _____			DATE _____, 2005		

202	FULL NAME OF INVENTOR	FIRST Name Garry	MIDDLE	LAST Name Carls	
	RESIDENCE & CITIZENSHIP	City Tybee Island	State or Foreign Country GA	Country of Citizenship USA	
	POST OFFICE ADDRESS	Street P.O. Box 2448	City Tybee Island	State or Country GA	Zip Code 31328
INVENTOR'S SIGNATURE _____			DATE _____, 2005		

Inventors: Hong Zhang et al.  
COMPUTER-AIDED IMAGE ANALYSIS  
Docket No. 0302 (112092-0087)

203	FULL NAME OF INVENTOR	FIRST Name Stephen	MIDDLE D.	LAST Name Barnhill	
	RESIDENCE & CITIZENSHIP	City Savannah	State or Foreign Country GA		Country of Citizenship U.S.A.
	POST OFFICE ADDRESS	Street 2 Springfield Place	City Savannah	State or Country GA	Zip Code 31411
INVENTOR'S SIGNATURE  DATE  2005					

**PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In Re Application of  
HONG ZHANG et al.

Serial No.: 10/056,438

Filed: January 23, 2002

) FOR: COMPUTER-AIDED IMAGE  
) ANALYSIS  
)  
)  
)  
)  
)

) Group  
) Art Unit: 2121

**STATEMENT OF STEPHEN D. BARNHILL**

I, Stephen D. Barnhill, hereby state that:

1. I am the sole named inventor on several issued patents relating to the use of support vector machines including U.S. Patent No. 6,658,395. Further, I am a co-inventor on Patent No. 6,882,410, a continuation-in-part of the '395 patent to which the present application claims priority as a continuation-in-part.
2. The subject matter depicted in Figures 1-9 and in the corresponding text of the present application Serial No. 10/056,438 was originally disclosed in the application that issued as Patent No. 6,658, 395. Subject matter claimed in at least claims 1, 16, 29 and 42 is supported by disclosure originally made in the '395 patent. Based on the contribution from my earlier work, I should have been named as a co-inventor on the present application.
3. The omission of my name as an inventor was without any deceptive intent on my part.
4. The undersigned declares further that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine, or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of any patent issuing on this application.

Dated Sept 15, 2005

By: [Signature]  
Stephen D. Barnhill

**PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In Re Application of  
HONG ZHANG et al.

Serial No.: 10/056,438

Filed: January 23, 2002

) FOR: COMPUTER-AIDED IMAGE  
) ANALYSIS  
)  
)  
)  
)  
)

Group  
Art Unit: 2121

**CONSENT OF ASSIGNEE**

Health Discovery Corporation, assignee of the full right and title in the above-referenced application hereby consents to correction of the inventive entity by the addition of Stephen D. Barnhill and the deletion of Sheliya Guberman.

The full chain of title in the application from the three originally named inventors to Health Discovery Corporation is recorded in the U.S. Patent and Trademark Office at Frame 015034, Reel 0713; Frame 015377, Reel 0350; Frame 016050, Reel 0682; and Frame 016087, Reel 0407.

Dated Sept 5, 2005

By: [Signature]  
Stephen D. Barnhill  
Chairman & Chief Executive Officer  
Health Discovery Corporation



**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In Re Application of	) FOR: COMPUTER-AIDED IMAGE
HONG ZHANG et al.	) ANALYSIS
	)
Serial No.: 10/056,438	)
Filed: January 23, 2002	) Group
	) Art Unit: 2121

**DECLARATION OF SHELIJA GUBERMAN**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

I, Sheliya Guberman, declare as follows:

1. I was named as a co-inventor in the above-referenced patent application as originally filed.

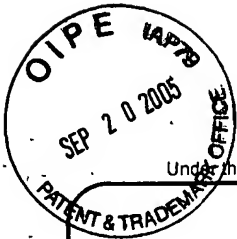
2. Upon recent reconsideration of the above-referenced application, I have determined that during my employment with Biowulf Technologies I did not make any inventive contribution to the claimed subject matter of the application, and therefore, I should not be included as a co-inventor in the patent application.

3. The error through which I was included as co-inventor in the application as originally filed arose without any deceptive intent on my part.

The undersigned declares further that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine, or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of any patent issuing on this application.

Dated: September 7, 2005

By: Sh. Guberman  
Sheliya Guberman



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

14

Application Number	10/056,438
Filing Date	January 23, 2002
First Named Inventor	Hong Zhang
Art Unit	2121
Examiner Name	Michael B. Holmes
Attorney Docket Number	0302 (112092-0067)

### ENCLOSURES (Check all that apply)

- |  |   |   |
|--|---|---|
| <input checked="" type="checkbox"/> Fee Transmittal Form<br><input type="checkbox"/> Fee Attached<br><input type="checkbox"/> Amendment/Reply<br><input type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/declaration(s)<br><input type="checkbox"/> Extension of Time Request<br><input type="checkbox"/> Express Abandonment Request<br><input type="checkbox"/> Information Disclosure Statement<br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><input type="checkbox"/> Response to Missing Parts/Incomplete Application<br><input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s)<br><input type="checkbox"/> Licensing-related Papers<br><input checked="" type="checkbox"/> Petition<br><input type="checkbox"/> Petition to Convert to a Provisional Application<br><input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address<br><input type="checkbox"/> Terminal Disclaimer<br><input type="checkbox"/> Request for Refund<br><input type="checkbox"/> CD, Number of CD(s) _____<br><input type="checkbox"/> Landscape Table on CD | <input type="checkbox"/> After Allowance Communication to TC<br><input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences<br><input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)<br><input type="checkbox"/> Proprietary Information<br><input type="checkbox"/> Status Letter<br><input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):<br>Corrected Combined Declaration and POA (2);<br>Statement of Stephen D. Barnhill; Consent of Assignee;<br>Declaration of Sheliya Guberman |
|--|---|---|

#### Remarks

Return Postcard and copy of Issue Fee Transmittal are also enclosed

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Procopio, Cory, Hargreaves & Savitch LLP		
Signature			
Printed name	Eleanor M. Musick		
Date	September 16, 2005	Reg. No.	35,623

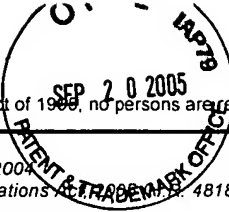
### CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Signature			
Typed or printed name	Eleanor M. Musick	Date	September 16, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



Effective on 12/08/2004  
Fees pursuant to the Consolidated Appropriations Act, 2005 (Pub. L. 109-171, 4818).

# FEE TRANSMITTAL for FY 2005

## Complete If Known

Application Number	10/056,438
Filing Date	January 23, 2002
First Named Inventor	Hong Zhang
Examiner Name	Michael B. Holmes
Art Unit	2121
Attorney Docket No.	0302 (112092-0067)

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT \$(130.00)

## METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): \_\_\_\_\_

☒ Deposit Account Deposit Account Number: 50-2075 Deposit Account Name: Procopio, Cory, Hargreaves & Savitch LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee  
☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

## FEE CALCULATION

### 1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

### 2. EXCESS CLAIM FEES

#### Fee Description

Each claim over 20 (including Reissues)

Each independent claim over 3 (including Reissues)

Multiple dependent claims

Total Claims - 20 or HP = Extra Claims Fee (\$) Fees Paid (\$)

HP = highest number of total claims paid for, if greater than 20

Indep. Claims - 3 or HP = Extra Claims Fee (\$) Fees Paid (\$)

HP = highest number of independent claims paid for, if greater than 3

### 3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets - 100 = Extra Sheets Number of each additional 50 or fraction thereof Fee (\$) Fee Paid (\$)

### 4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): Petition to Amend Inventorship (Amendment Under 37 CFR 1.312) 130.00

## SUBMITTED BY

Signature

*Eleanor M. Musick*

Registration No. 35,623  
(Attorney/Agent)

Telephone 760/931-9700

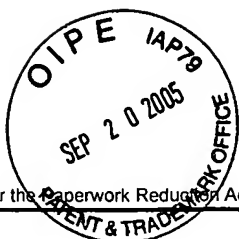
Name (Print/Type) Eleanor M. Musick

Date September 16, 2005

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

AmericanLegalNet, Inc.  
www.USCourtForms.co



PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	10/056,438	
	Filing Date	January 23, 2002	
	First Named Inventor	Hong Zhang	
	Art Unit	2121	
	Examiner Name	Michael B. Holmes	
Total Number of Pages in This Submission	14	Attorney Docket Number	0302 (112092-0067)

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Corrected Combined Declaration and POA (2); Statement of Stephen D. Barnhill; Consent of Assignee; Declaration of Sheliya Guberman
<b>Remarks</b> Return Postcard and copy of Issue Fee Transmittal are also enclosed		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	Procopio, Cory, Hargreaves & Savitch LLP		
Signature			
Printed name	Eleanor M. Musick		
Date	September 16, 2005	Reg. No.	35,623

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Signature			
Typed or printed name	Eleanor M. Musick	Date	September 16, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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<p>Effective on 12/08/2004. Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4318).</p> <h1 style="margin: 0;">FEE TRANSMITTAL</h1> <p style="margin: 0;">for FY 2005</p>		<p><b>Complete If Known</b></p>	
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		Application Number	10/056,438
		Filing Date	January 23, 2002
		First Named Inventor	Hong Zhang
		Examiner Name	Michael B. Holmes
		Art Unit	2121
<p><b>TOTAL AMOUNT OF PAYMENT</b> (\$130.00)</p>		Attorney Docket No.	0302 (112092-0067)

**METHOD OF PAYMENT** (check all that apply)

☐ Check  
 ☐ Credit Card  
 ☐ Money Order  
 ☐ None  
 ☐ Other (please identify): \_\_\_\_\_

☒ Deposit Account  
 Deposit Account Number: 50-2075  
 Deposit Account Name: Procopio, Cory, Hargreaves & Savitch LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below  
 ☐ Charge fee(s) indicated below, except for the filing fee  
☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17  
 ☒ Credit any overpayments

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

**FEE CALCULATION**

**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

**2. EXCESS CLAIM FEES**

Fee Description	Small Entity Fee (\$)	Fee (\$)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	200	100
Multiple dependent claims	360	180

**Total Claims** - 20 or HP = \_\_\_\_\_ x \_\_\_\_\_ = \_\_\_\_\_  
 HP = highest number of total claims paid for, if greater than 20

**Indep. Claims** - 3 or HP = \_\_\_\_\_ x \_\_\_\_\_ = \_\_\_\_\_  
 HP = highest number of independent claims paid for, if greater than 3

**3. APPLICATION SIZE FEE**

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
_____	_____	_____	_____	_____

**4. OTHER FEE(S)**

	Fee Paid (\$)
Non-English Specification, \$130 fee (no small entity discount)	
Other (e.g., late filing surcharge): <u>Petition to Amend Inventorship (Amendment Under 37 CFR 1.312)</u>	<u>130.00</u>

<b>SUBMITTED BY</b>	
Signature <u>Eleanor M. Musick</u> Name (Print/Type) <u>Eleanor M. Musick</u>	Registration No. <u>35,623</u> (Attorney/Agent) Telephone <u>760/931-9700</u> Date <u>September 16, 2005</u>